THE ROLE OF THE UN SECURITY COUNCIL IN ITS PERIPHERAL OUTLOOK IN MAINTAINING PEACE IN AFGHANISTAN

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The study has endeavored to expand the reach of the UN Security Council, both in size and in content. The UN, though often criticized, is an important and unique international body as a platform for diplomacy and debate. Whether UN Security Council can be improved through effective control by gigantic organizations? Whether UN Security Council has to work for its reinstatement of protection of world peace? The peace and security provisions of the Charter, which have the organization's focus in the Security Council, were initially prepared and adopted under the influence of the League experience, the events leading up to World War II, and the experience of the war itself. The primary responsibility for the maintenance of international peace and security is placed on the Security Council.

Keywords: Role of UN Security, Afghanistan, Peace, Security, UN Charter.

1.0 Prologue

The United Nations charter was signed on June 26, 1945. The charter came into force on Oct. 24, 1945 by which time China,[2] France, Russia, the United Kingdom, the United States and a majority of the other signatories had ratified the document. It was launched on the perilous international seas on January 10, 1946 when the first session of the General Assembly commenced in London. Two months of negotiations at San Francisco resulted in agreement by the participating nations to a document consisting of 19 chapters and 111 articles. The

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DOI: https://dx.doi.org/10.2139/ssrn.4221077

Available: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4221077

[2] Sayed Qudrat Hashimy, *China's Belt-Road Initiative and Investment Strategies: A Two Pillar Approach to Afghanistan*, 12 INT. J. SCI. RES. IJSR 449, 3 (2023).

Electronic copy available at: https://ssrn.com/abstract=4221077

governments specified the purposes for which they were joining together accepted obligations, and created machinery for international collaboration and the process by which it would function. They also placed limitations upon the organization, two steps to guard their sovereignty, reserved to themselves the right to withdraw and anticipated the need for the review and probable modification at another constitutional conference. Appended was the "statute of the international court of Justice" of 5 chapters and 70 articles, all of which was considered an integral part of the charter.

Until amended in 1965, the Charter provided that the Security Council should consist of five permanent members and six other members elected by the General Assembly for two-year terms, three members being elected each year. The names of the five permanent members were listed in the Charter, thus introducing an element of rigidity that did not exist in the case of the League Council. The principle professedly followed in determining the permanent members were that those members of the organization who had made a major contribution to the winning of the ward and who consequently would be expected to make the major contributions to keeping the peace should be in a position to exercise corresponding influence on substantive decisions of the Council. Clearly, however, other considerations than these dictated the inclusion of France and the Republic of China,[3] neither of who, at the time the Charter was written, gave promise of having this capability in the near future.[4]

The Charter was prepared as well as the facts of international life gave assurance that the peace and security provisions of the Charter would reflect the special interests of the major powers and would be based upon a full recognition of the importance of the power factor in international relations. The initial preparatory work was done in the United States Department

[3] *Id.* at 2.

[4] *Id.*

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of State where a draft plan was prepared which was submitted to the governments of the United Kingdom, the Soviet Union, and the Republic of China, and was accepted by them as the basis for the discussions at Dumbarton Oaks in the summer and early fall of 1944. The Dumbarton Oaks Proposals, representing the agreement of the four participating governments, with some additions, were submitted to the participating governments, with some additions, were submitted to the participants in the San Francisco Conference and were accepted as the basis of the discussion there. The work of the San Francisco Conference, from beginning to end, was governed by the basic principle that any proposal which was unacceptable to the major powers - the permanent-members-to-be of the Security Council would not be adopted, as their membership in the organization was considered essential[5]

Afghanistan has been plagued by warlordism, internal warfare, and foreign invasions throughout its history. It was at the heart of the "Great Game" between the Russian Empire and British India in the nineteenth and early twentieth century. The final Afghan War, which pitted the mujahedeen against the Afghan communist government and the Soviet Union with support from Pakistan, the US, and other nations on one side and the Afghan communist government and the Soviet Union on the other, concluded in 1989 with the latter's withdrawal.[6] People in Afghanistan hoped for a future of peace and prosperity in the mujahedeen and Taliban, rather than the animosity that was to come. Following the September 11th attacks in the United States, multinational armies invaded Afghanistan. International terrorism has become a dangerous phenomenon threatening the peace and security of all Nations although terrorism has long been the part of human history, the least four decades have seen dramatic increase in the use and scope of terrorist acts. during this time the phenomenon has not only crossed regional

[5] Leland, M. Goodrich, "The UNITED NATIONS", published by The Free Press, New York,1972, p. 17-19.

[6] Sayed Qudrat Hashimy, *Analysis of the United States' Liability for War Crime in Afghanistan*, 9 INDIAN J. LAW LEG. RES. 1, 3 (2021).

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boundaries but has acquired an international character, and is spreading thorough the world. Terrorism is a tool, not a political movement. Group from Ireland, the Philippines, the Korea, Peninsula, Japan, Africa, the Middle East, Russia, Pakistan and the United States have used to their political causes and goals precisely because it has proved to be such an effective tool when small, powerless group confronts a much larger, more powerful adversary.[7]

Assassinations of Lord Mount Batten, Mrs. Indira Gandhi and Rajiv Gandhi in India, Sardar Mohammad Daud Khan Prime Minister of Afghanistan and Dr. Najbullah Ahmad zai former President of Afghanistan taking American embassy in Iran, series of attack on Indian embassy Kabul, in India attack to red fort against the symbols of democracy, parliament attack, series of routine bombing and proxy attack which take life thousands innocence people in Afghanistan Iraq, Syria, Palestine, Yemen, Kenya, Somalia and so on…

The international conference peace conference held at Hague in 1899 and 1907 was notable as major diplomatic gatherings convoked in time of peace with involvement of a variety of subjects like the business of international relations. After the break of world war I, an important international organization took birth known as league of nations, which prescribed notable great power also became a member it had so many organs, and the assembly of the league of nations was represented organ and the work of organ and conducted through six principal committee the council of the league of nations composed of nine states the secretariat was head by secretary general who was the chief administrative organ of the league. The greatest success of League of Nations was in the furtherance of co-operation in economic and social matters like health traffic ion opium communication and to transmit economic and financial problem protection of refugees. Trafficking of women and children etc. the league of nation failed down

[7] Mc Cowans Ferry Road, Versaille, Kentucky 40383 USA the theory and practice of International law.

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due to split between France and Great Britain, the failure of United states to ratify and there by become a member.[8]

The main international conference a gathering of representatives from several states was simply large in diplomacy. The peace of Westphalia in 1648 emanated from such a conference as did the settlement after Napoleonic wars in 1815 through the conference of Vienna and even later the post 1918 and embodied in the treaty Versailles. The creation of league of state, dedicated to maintenance of peace, had been advocated in philosophical and juristic wiring and in the aims of private organization. The immediate source of the league nations was, however a proposal introduced at the peace conference of Paris 1919. The league's objective was "to promote international cooperation and to achieve international peace and security". The system of collective security envisaged in the covenant rested essentially, on the notion of disarmament (Art.8) pacific settlement of dispute, and outlay of war (Arts.11-15). The league's disbarment failed dismally. The failure of the League of Nations to avert a second world war did not destroy the conviction, shared by many that only by some form of the general organization of state could a system of collective security be achieved which would protect the international community from the scourge of war. The United Nations and by 1943 the Moscow declaration had recognized "the necessity of establishing at the earliest practicable date a general international organization based upon the principle of sovereign equality of all peace-loving states large and small foe the maintenance of international peace and security".[9]

The League of Nations did not prevent the outbreak of wars or the invasion of one country over another. While the Second World War was in full swing, the allied power for political and psychological reasons felt the necessity for creating a new international organization better than

[8] Hashimy, *supra* note 6 at 5.

[9] D.W. Bowett, , 4th edition ,The law of International institutions published by universal publication 2013

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the League of Nations for establishing peace.[10] The UNO arose on the ashes of the League of the Nations. It is neither a supper state nor a world government. The UN charter contains 111 articles in its constitution and it is divided into 26 chapters. It has a flag of its own on which the globe is imprinted. The UN consist of 6 principal organs and specialized agencies and other subsidiaries organs which may be created from the principal organs for the realization of their different task. It is an international cooperation between sovereign states for promoting international peace and solidarity. Art. 1 of UN talks about (i) maintenance of international peace and security (ii) development of friendly relations among the nations (iii) international cooperation in solving problem of social, cultural, and humanitarian nature: promotion of and encouragement of respect of human right and fundamental freedom and (iv) to be center for harmonizing the actions of nations to achieve the end.[11]

In order to ensure prompt and effective action by the UN, its members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties and in discharging these duties security council shall act in accordance with the purpose and principal of UN (Art.24)[12]

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world ‘s human and economic resources, the security council shall be responsible for the formulation with the assistance of the military staff committees, plans to be submitted to the members of the UN for the establishment of the system for the resolution of armament (Art. 26).[13]

[10] Leonard Short History of International organization (1951) Chapter 2

[11] Dr. S.R. Myneni , 3rd edition 2008, International Relations p 262

[12] Sayed Qudrat Hashimy, *Recognition And Legitimacy of the Taliban Government: A Conundrum in International Law*, (2023), https://papers.ssrn.com/abstract=4150964 (last visited Jan 31, 2023).

[13] Hashimy, *supra* note 6.

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As Afghanistan continues to sink further into a horrific economic and humanitarian disaster, one global entity stands ready to assist the country: the United Nations. While member nations debate whether or not to recognize the Taliban's authority, the UN may still help the Afghan people. In reality, as an international organization, it frequently assumes obligations that no one nation desires. Despite its exclusion from US-Taliban discussions and intra-Afghan peace talks, the UN is currently considered Afghanistan's principal source of humanitarian aid. Individual governments will be able to overpower and undermine the United Nations by prohibiting the organization from interacting with the Taliban, exposing fundamental flaws in the UN system. The United States was authorized by the United Nations Security Council to topple the Taliban regime in late 2001 as part of an effort against the terrorist al-Qaeda organization, which was alleged to be based in the country. The US and its NATO partners were also given permission to construct the International Security Assistance Force (ISAF) to provide military support to a newly formed pro-Western administration (the United States also continued to run a separate anti-terrorist military operation). The United Nations Assistance Mission for Afghanistan (UNAMA) was established in March 2002 to coordinate all UN humanitarian, relief, recovery, and reconstruction efforts in Afghanistan. Afghanistan has remained a "failed state" despite (or perhaps because of these military-focused policies. Today Afghanistan fell into the hands of the Taliban. If there is one crisis that has consistently eluded UN efforts to resolve it, it is the conflict in Afghanistan. The political response of the United Nations to this war has been deeply oblivious. The UN has been overwhelmed by the complexity of the Afghan situation, and it has proven incapable of approaching the conflict from any perspective other than the rigorously conventional one that has typified its approach to conflict resolution in the past. Successive UN Secretary-General representatives have been disappointed by their failure to adapt quickly to Afghan reality, and the approaches they have taken have virtually always been devoid of

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appropriate knowledge of the character of Afghan society and politics. This lack of political success has had an impact on the country stability.

The objective of the research is to provide a platform for strategies for the maintenance of peace and security, to provide constructive suggestions to National organizations and international organizations for the restoration of peace and stability to explore innovations in the area and the way forward.

2.0 Key Deliberation

This paper advanced the argument is that the UNSC has an institutional responsibility to promote the framework conditions that will enhance mediation interventions. The UN Security Council is endowed by the founding Charter, as the institution responsible for establishing the framework conditions for international peace and security. As such the UNSC is humanity best expression of our aspiration and desire for a framework for promoting our collective security. A historical retrospective reveal that the UNSC prevaricated during the genocide in Rwanda. The UNSC created the not-so-safe havens in Srebrenica that enabled pogroms against Bosnian Muslims. Today, juvenile brinksmanship within the UNSC has allowed the Syrian crisis to deprive innocent children, women and men of their human dignity due to the war crimes that they have had to endure.[14]

The member states conferred on the Security Council the primary responsibility of maintaining international peace and security and sub limiting their sovereign prerogative of using force. The member states might have not surrendered their national interest to an over- arching Internationalism but there was an attempt to redefine national interest in view of increasing interdependence within the framework of an international organization. The founding members

[14] African Union 2005. The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus, EXT/EX.CL/2 (VII), African Union, Addis Ababa. 7–8.

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of the United Nations who assembled at San Francisco in 1945 were determined to create an institution that would be more effective than its predecessor (the League of Nations) in maintaining world peace and security. [15]The Security Council was armed with greater powers than the League Council and members were obliged to carry out its decisions regarding use of armed forces against aggressors. However, with the disintegration of the Soviet Union and the emergence of US-led unipolar world the working of this body has undergone a tremendous change.[16] In the period following World War II, the checks-and-balance mechanism existed as the cold war between the power blocs (United States-led NATO and the Soviet Union-led Warsaw Pact), neutralized each other's' hostile postures despite their arms race. Although there was mistrust between the two power blocs, due to their aggressive stance, they could ensure that World War did not break. But with the disintegration of the Soviet Union at the end of the cold war, the United States hijacked the global collective security mechanism through its economic influence and military prowess; emerging world's watchdog. Apart from face-off with the key players in the United Nations on security matters that affect its interest, the United States faces one major challenge.

After the Soviet forces entered Afghanistan in December 1979, the US became committed to force the Soviet Union to end its occupation and withdraw. It wanted to score a point against the Soviet Union in the cold war by inflicting a crushing and humiliating defeat on it. The US supported the Mujahedeen, without ever looking into their credentials or ideology. When the Taliban arose from the madrasas in Pakistan in 1994 with the avowed objective of getting rid of the feuding and corrupt Mujahedeen rulers, the US only looked on. Some analysts even

[15] Consensus, EXT/EX.CL/2 (VII), African Union, Addis Ababa. 7–8 March. Rumki Basu, The United Nations-Structure and Functions of an International Organisation,

[16] Rumki Basu, The United Nations-Structure and Functions of an International Organisation, New Delhi, Sterling Publishers, 1996, p. 336

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suggested that the Taliban served American interests. The US hoped that after long years of turmoil, the Taliban would unite the country. Since the bombing of the American embassies in Dar-e-Salaam in Tanzania and Nairobi in Kenya in 1998 had given a jolt to the US, its perception of terrorism underwent a radical change. Al Qaeda's attack on the US on 11 September 2001 could only be compared in its magnitude and impact with the Japanese attack on Pearl Harbour. These attacks on the economic and political symbols of Western power constituted the closure of an era of US invulnerability.

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